



A.No.2650 of 2023 in

C.S.No.819 of 2013

R.N.MANJULA,J.

This application has been filed to eschew the evidence of P.W.1 (V.Senthur Pandian) the erstwhile Executive Officer of the plaintiff and permit the plaintiff to file proof affidavit through the present Executive Officer in C.S.No.819 of 2013.

2. The suit has been filed by plaintiff for seeking the relief of declaration and mandatory injunction and recovery of possession. The plaintiff was represented through the fit person. When the trial was commenced on behalf of the plaintiff, the then fit person / Executive Officer by name V.Senthur Pandian was examined as P.W.1. Since the said V.Senthur Pandian is said to have died on 06.12.2022, this application has been filed by the present Executive Officer to eschew the evidence of P.W.1.

3. Since the then P.W.1 V.Senthur Pandian is no more, the defendants cannot cross examine P.W.1 and hence the evidence of P.W.1 has to be eschewed. In view of the same, this application is allowed.

13.06.2023

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